

IN THE CIRCUIT COURT FOR WILSON COUNTY, TENNESSEE

KRISTI DEAN and
JOSEPH T. DEAN

Plaintiffs,

v.

WALMART, INC.,
WAL-MART STORES, INC.,
WAL-MART STORES EAST, LP
WAL-MART SUPERCENTER #671

Defendants.

No. 20-CV-493
JURY DEMAND

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COMPLAINT

Come the Plaintiffs, **KRISTI DEAN and JOSEPH T. DEAN**, and bring this Complaint against the Defendants, **WALMART, INC., WAL-MART STORES, INC., WAL-MART STORES EAST, LP, and WAL-MART SUPERCENTER #671**, and would show unto the court as follows:

1. The Plaintiffs, Kristi Dean and Joseph T. Dean, are husband and wife and are citizens and residents of Wilson County, Tennessee, currently residing at 1035 Powell Grove Road, Lebanon, Tennessee.

2. The Defendant, Walmart, Inc., is a foreign for profit, Delaware corporation authorized to conduct business in the State of Tennessee with its principal place of business being located at 708 SW 8th Street, Bentonville, Arkansas.

3. The Defendant, Wal-Mart Stores, Inc., is a foreign for profit, Delaware corporation authorized to conduct business in the State of Tennessee with its principal place of business being located at 708 SW 8th Street, Bentonville, Arkansas.

4. The Defendant, Wal-Mart Stores East, LP, is a foreign for profit, Delaware limited partnership authorized to conduct business in the State of Tennessee with its principal place of business being located at 702 SW 8th Street, Bentonville, Arkansas.

5. The Defendant, Wal-Mart Supercenter #671, is doing business in the State of Tennessee, with a business premises located at 615 South Cumberland Street, Lebanon, Tennessee.

6. At all times material herein, the Defendants, one or more of them, owned, operated, maintained and/or controlled a business premises known as Wal-Mart, located at 615 South Cumberland Street, Lebanon, Tennessee.

7. All of the named Defendants, Walmart, Inc., Wal-Mart Stores, Inc., Wal-Mart Stores East, L.P., and Wal-Mart Supercenter #671 and their agents and employees, shall hereinafter be referred to collectively as the "Defendants."

8. Under the doctrines of respondeat superior and agency/ principal, the Defendants are legally liable for the negligent acts and/ or omissions of the Defendants' agents, employees, servants and representatives.

9. At all times material herein, the events giving rise to this cause of action occurred in Wilson County, Tennessee.

10. On or about October 20, 2019, the Plaintiff, Kristi Dean, was a business invitee at the Wal-Mart store located at 615 South Cumberland Street, Lebanon, Wilson County, Tennessee.

11. Plaintiff would show that, while exercising due care for her safety, she was walking down an aisle in Wal-Mart when she came upon a stack of beverages from

which Defendants' employees were restocking shelves. Defendants created a dangerous and hazardous situation by the careless manner it had stacked the beverages and cases of beverages on top of each other. As Plaintiff approached the poorly arranged stack of beverages and boxes, an agent and/or employee of the Defendants instructed Plaintiff that she could walk around it. As the Plaintiff walked by the stack, it suddenly collapsed onto the Plaintiff, causing the beverages and boxes to fall, striking the Plaintiff and causing injury to the Plaintiff.

12. Defendants created the hazardous and dangerous condition of the unstable stack of beverages and boxes and had actual and/or constructive notice of this unreasonably dangerous, defective and unsafe condition, but took no steps to alleviate the danger or warn Plaintiff of the danger.

13. Defendants owed the Plaintiff as a business invitee a duty of reasonable care and protection and a duty to provide a safe environment for its customers. Defendants negligently and carelessly breached this duty, thereby causing the Plaintiff, Kristi Dean, to be injured.

14. The Defendants breached its duty of care by negligently and carelessly stacking, stocking, organizing and/or arranging its inventory in a very precarious and unstable fashion, thereby creating a dangerous and hazardous walkway for patrons. The Defendants knew or should have known that this stack of inventory and its haphazard arrangement placed patrons in its vicinity in danger.

15. Plaintiffs charge and allege that the Defendants, one or more of them, are guilty of certain acts of common law negligence, to-wit:

- A. Negligently created the dangerous and/or hazardous and/or unsafe condition as described herein.
- B. Negligently allowed said dangerous and/or hazardous and/or unsafe condition to remain as described herein.
- C. Failed to remedy or correct the dangerous and/or hazardous and/or defective and/or unsafe condition when they knew or should have known of the danger to patrons.
- D. Failed to exercise such care as was reasonable under the circumstances then existing.
- E. Failed to warn Plaintiff of said dangerous, hazardous and unsafe condition of which Defendants knew or should have known.
- F. Failed to properly train its agents and/or employees in proper safety procedures and safe methods of stacking, stocking, arranging, organizing and distributing inventory.
- G. Failed to properly supervise its agents and/or employees in their duties of arranging and organizing inventory in a safe manner to prevent injuries to patrons.

16. As a direct and proximate result of the negligence and/or carelessness of the Defendants as alleged herein, the Plaintiff, Kristi Dean, received serious, painful, disabling and permanent bodily injury.

17. As a direct and proximate result of the negligence and/or carelessness of the Defendants as stated herein, the Plaintiff, Kristi Dean, has incurred medical

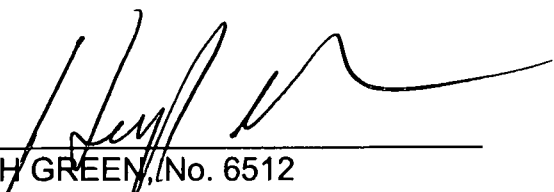
expenses, loss of earning capacity and has suffered mental and physical pain, anguish, distress and loss of enjoyment of living. The Plaintiff expects to suffer future medical expenses and future pain from her injuries and to retain a permanent injury to her body, for all of which the Defendants are liable.

18. As a consequence of the injuries to the Plaintiff, Kristi Dean, the Plaintiff, Joseph T. Dean, has been and will be deprived of his wife's services, society, comfort and attention and has or will incur the reasonable value or expenses of medical care and treatment necessary or reasonably obtained by his wife in the past or to be so obtained in the future.

19. Included with this Complaint and served herewith are Interrogatories and Request for Production of Documents.

WHEREFORE, the Plaintiff, Kristi Dean, brings this suit for personal injuries and demands judgment against the Defendants in an amount not to exceed \$200,000.00. Plaintiff, Joseph T. Dean, brings this suit for loss of consortium and demands judgment against the Defendants in an amount not to exceed \$25,000.00. Plaintiffs further demand a jury of six (6) to try this cause of action.

Respectfully submitted,



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I AM SURETY FOR THE COSTS OF THIS CAUSE?



HUGH GREEN